

TITLE 16. PHYSICIAN ASSISTANT COMMITTEE

NOTICE IS HEREBY GIVEN that the Physician Assistant Committee is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Hearing Room, 2005 Evergreen Street, Sacramento, California 95815, at 8:55 a.m., on 1 May 2008. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physician Assistant Committee at its office not later than 5:00 p.m. on 28 April 2008 or must be received by the Physician Assistant Committee at the hearing. The Physician Assistant Committee, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 125.9, 148, and 3510 of the Business and Professions Code, and to implement, interpret or make specific Sections 125.9 and 148 of said Code, the Physician Assistant Committee is considering changes to Division 13.8 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 1399.571.

Business and Professions Code Section 125.9 and 148 permit the Physician Assistant Committee to establish, by regulation, a citation and fine program. The maximum fine amount authorized by statute increased from \$2500 to \$5000 effective January 2004. The regulatory proposal amends Section 1399.571, increasing the maximum fine amount that the Physician Assistant Committee may impose to \$5000, specific circumstances under which the higher fine could be imposed, and making other nonsubstantive changes.

The committee also proposes to add to the list of Citable Offenses Business and Professions Code Section 119 (Misdemeanors pertaining to use of licenses).

The regulatory proposal affects physician assistants and unlicensed individuals who violate the Physician Assistant Practice Act, it does not affect small businesses.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Some cost savings due to receipt of fine payments from licensees who have been issued citation and fines.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The committee has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because it only affects individual licensees who have been issued a citation and fine.

The following studies/relevant data were relied upon in making the above Determination: none.

Impact on Jobs/New Businesses:

The Physician Assistant Committee has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Physician Assistant Committee are cost associated with the payment of a fine due to the issuance of a citation. Costs only affect individuals who have received a citation and fine. Citations include fines that range from \$100 to \$5000.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Physician Assistant Committee has determined that the proposed regulations would not affect small businesses. The regulatory proposal affects only physician assistants and unlicensed individuals who have been issued by the Physician

Assistant Committee a citation and assessed a fine for a violation that meets specific criteria.

CONSIDERATION OF ALTERNATIVES

The Physician Assistant Committee must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Physician Assistant Committee has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physician Assistant Committee at 2005 Evergreen Street, Suite 1100, Sacramento, CA 95815

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Glenn Mitchell
Address:	2005 Evergreen Street Suite 1100 Sacramento, CA 95815

Telephone No.: (916) 561-8783
Fax No.: (916) 263-2671
E-Mail Address: gmittchell@mbc.ca.gov

The backup contact person is:

Name: Elberta Portman
Address: 2005 Evergreen Street
Suite 1100
Sacramento, CA 95815

Telephone No.: (916) 561-8782
Fax No.: (916) 263-2671
E-Mail Address: eportman@mbc.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to:

Name: Dianne Tincher
Address: 2005 Evergreen Street
Suite 1100
Sacramento, CA 95815

Telephone No.: (916) 561-8786
Fax No.: (916) 263-2671
E-Mail Address: dtincher@mbc.ca.gov

Website Access : Materials regarding this proposal can be found at:
www.physicianassistant.ca.gov.